
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

**The Transport and Works (Scotland) Act 2007
(Applications and Objections Procedure) Rules 2007**

Procedure by written representations

22.—(1) Where none of the steps mentioned in paragraphs (1) and (2) of rule 21 has been taken by the operative date the provisions of this rule shall apply and the Scottish Ministers shall notify the applicant and all those who have made, and not withdrawn, an objection pursuant to rule 19 that this is the case.

(2) The applicant shall, not later than 28 days of being notified pursuant to paragraph (1), send to the Scottish Ministers representations upon each objection.

(3) The Scottish Ministers shall, within 7 days of receiving representations from the applicant pursuant to paragraph (2), send to each objector a copy of any of those representations that relate to their objection and shall inform them of their rights under paragraph (4).

(4) An objector may, within 21 days of being sent a copy of the applicant's representations pursuant to paragraph (3), reply in writing to the Scottish Ministers.

(5) Where the Scottish Ministers receive no reply from an objector within the period specified in paragraph (4) they may proceed to make a determination under section 11 of the Act, unless they consider that they do not have sufficient information to enable them to make a determination.

(6) Where the Scottish Ministers receive a reply from an objector pursuant to paragraph (4) they shall, within 7 days of receipt, send a copy of such reply to the applicant.

(7) An applicant who wishes to send any further representations to the Scottish Ministers shall do so within 14 days of being sent a copy of any reply pursuant to paragraph (6).

(8) Subject to paragraph (9), the Scottish Ministers may, upon expiry of the period specified in paragraph (7), proceed to make a determination under section 11 of the Act, unless they consider that—

- (a) they do not have sufficient information to enable them to make such a determination; or
- (b) any further representations received from the applicant pursuant to paragraph (7) raise a new matter which, in the opinion of the Scottish Ministers, may affect their determination and upon which an objector should be given the opportunity to comment.

(9) Where, pursuant to paragraph (5) or (8)(a), the Scottish Ministers consider that they require further information from the applicant or an objector to enable them to make a determination under section 11 of the Act or where, pursuant to paragraph (8)(b), the Scottish Ministers decide to give an objector a further opportunity to comment, they shall write to the applicant and objector accordingly and shall specify the period during which any further information or comments, as the case may be, shall be submitted to the Scottish Ministers.

(10) Where paragraph (9) applies, the Scottish Ministers shall consider, upon receipt of any further information or comments within the specified period, whether or not a further opportunity to comment should be given to the applicant or to an objector and, if so, they shall specify a period for making any further comments.

(11) The Scottish Ministers may, upon request, provide any person with a copy of any written representations or other material that have been sent to them pursuant to this rule.

(12) In making a determination under section 11 of the Act, the Scottish Ministers may disregard any written representations or other material that have not been sent to them within any time limit specified under or pursuant to this rule.